

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. The Applicants have previously amended Claims 1 and 8, and have canceled Claims 3 and 10 without prejudice of disclaimer. Presently, the Applicants have neither amended nor canceled any Claims. Accordingly, Claims 1-2, 4-9 and 11-20 are currently pending in the application.

I. Rejection of Claims 1-2, 6, 8-9, 13, 15-16 and 19 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 6, 8-9, 13, 15-16 and 19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,122,271 to McDonald, *et al.* ("McDonald"). The Applicants respectfully disagree since McDonald does not teach communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone including identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the transmitter to transmit data to the receiver over the voice channel. (Claims 1, 8 and 15).

McDonald is directed to digital communications systems where control signals are communicated along with a primary information signal. (Column 1, lines 6-10). McDonald teaches a plurality of mobile subscriber units communicating with a fixed network equipment. (Figure 2 and Column 4, lines 32-36). The fixed network equipment, however, is not a base station transmitter of a cordless telephone as recited in Claims 1, 8 and 15. On the contrary, as stated in a previous response, the fixed network equipment is a piece of equipment of a telecommunications network that primarily provides switching and transport network functions, such as signaling transfer points, cell equipment (towers, antennas and interfaces for cellular telephones) and digital cross-connect

systems. Basically, fixed network equipment are pieces of equipment associated with the infrastructure of the telecommunications network. In contrast, a cordless telephone is an endpoint, which is typically used with public switched telephone networks and located at a customer's location, and, as such, is not a fixed network equipment.

In addition, mobile subscriber units are not a handset receiver of a cordless telephone as recited in Claims 1, 8 and 15. Instead, mobile subscriber units are commonly associated with cellular telephone systems and McDonald specifically mentions the invention solving problems in digital cellular telephone systems. (Column 1, lines 62, through Column 2, line 22). McDonald does not address a cordless telephone nor any applicability to a cordless telephone. Moreover, McDonald did not redefine the terms "fixed network equipment" and "mobile subscriber units" to represent something else or more than what is known to one skilled in the art. Thus, McDonald fails to teach all the elements of independent Claims 1, 8 and 15.

Since McDonald fails to teach or suggest all of the elements of independent Claims 1, 8 and 15, McDonald does not anticipate Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claims 1-2, 6, 8-9, 13, 15-16 and 19 and issue allowance thereof.

II. Rejection of Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103

The Examiner has rejected Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over McDonald in view of U.S. Patent No. 6,408,177 to Parikh, *et al.* (Parikh). As discussed above, McDonald fails to teach all of the elements of the inventions recited in independent Claims 1, 8 and 15. Additionally, McDonald fails to suggest all of the elements of independent

Claims 1, 8 and 15 since McDonald does not suggest identifying a pause in voice traffic that is to be transmitted over a voice channel between a base station transmitter and a handset receiver of a cordless telephone and responding to the pause by causing the base station transmitter to transmit data to the handset receiver over the voice channel. Instead, McDonald is particularly directed to communicating data over digital communication systems, specifically digital cellular telephone systems, having sophisticated signaling protocols. (Column 1, line 1 to Column 2, line 22). McDonald makes no mention of communication between a base station transmitter and a handset receiver of a cordless telephone.

Parikh is directed to providing call management services to mobile telephone subscribers. (Abstract). Parikh, however, does not cure the deficiencies of McDonald and has only been cited to disclose caller identification data menu item selection data. (Examiner's Action, page 3). Additionally, one skilled in the art would not be motivated to combine Parikh with McDonald since McDonald is directed to sending control signal information with a voice signal (Column 6, lines 37-40) while Parikh is directed to using a data channel to transmit menu information to avoid the use of a voice channel. (Column 2, lines 50-55). Thus, the combination of McDonald and Parikh is improper.

Even if combined, McDonald and Parikh fail to teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, do not establish a *prima facie* case of obviousness of dependent Claims 4-5, 11-12 and 17-18, which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 4-5, 11-12 and 17-18 under 35 U.S.C. §103(a).

III. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(e) as being unpatentable over McDonald in further view of U.S. Patent No. 6,041,227 to Terence Edward Sumner. As discussed above, McDonald fails to teach or suggest all of the elements of the inventions recited in independent Claims 1, 8 and 15. The Examiner has cited Sumner only for the premise of teaching the dependent Claims 7, 14 and 20. Since McDonald fails to teach or suggest all of the elements of the inventions of Claims 1, 8 and 15, as explained above, and Sumner fails to cure the deficiencies, the Examiner cannot establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20, which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 7, 14 and 20 under 35 U.S.C. §103.

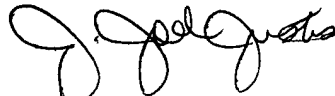
IV. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-2, 4-9 and 11-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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